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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

XUZHOU JINJIANG FOODSTUFFS CO.,)
 LTD., a foreign corporation,)

Plaintiff,)

v.)

MITTELSTAEDT, GALAVIZ & MYLIN)
 INC., a California corporation; M&S)
 SHIPPING LTD., unknown entity; ABCO)
 INTERNATIONAL FREIGHT (USA))
 INC., a Delaware corporation; PERSHING)
 INC., a California corporation; UNITED)
 STATES, DOES 1-100,)

Defendants.

No. 09-3218 PJH

**STIPULATION AND [PROPOSED]
 ORDER DISMISSING DEFENDANT
 UNITED STATES OF AMERICA**

1. On or about July 15, 2009, plaintiff Xuzhou Jinjiang Food Stuffs Co., Ltd. filed suit against Mittelstaedt, Galaviz & Mylin Inc., M&S Shipping Ltd., Abco International Freight (USA) Inc., Pershing Inc., the United States of America ("the federal defendant") and DOES 1 through 100.

2. Defendants Mittelstaedt, Galaviz & Mylin Inc., M&S shipping Ltd., Abco International Freight (USA) Inc., and Pershing Inc. have not yet appeared in the above-captioned action. The federal defendant has made no prior appearance in the above-captioned action.

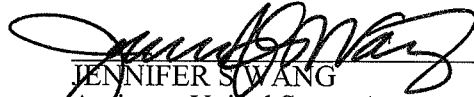
3. Plaintiff has asked the federal defendant to stipulate to the dismissal of the federal defendant and its claims against the federal defendant in the above-captioned action with prejudice pursuant to Federal Rule of Civil Procedure 41(a).

4. Plaintiff and the federal defendant do not oppose the dismissal of the federal defendant with prejudice pursuant to Federal Rule of Civil Procedure 41(a), with each party bearing its own costs and attorney's fees.

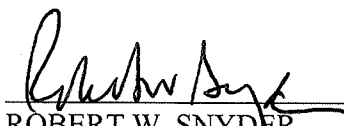
IT IS SO STIPULATED.

DATED: August 24, 2009

Respectfully submitted,
JOSEPH P. RUSSONIELLO
United States Attorney


JENNIFER SWANG
Assistant United States Attorney
Attorneys for Federal Defendant

DATED: August 20, 2009


ROBERT W. SNYDER
Attorney for Plaintiff

[PROPOSED] ORDER

IT IS HEREBY ORDERED that the federal defendant, the United States of America, is dismissed with prejudice from this action pursuant to Federal Rule of Civil Procedure 41(a), with each party bearing its own costs and attorney's fees.

DATED: 8/27/09

PHYLLIS J. HAMILTON
UNITED STATES DISTRICT COURT JUDGE

